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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

Docket No.: 10014006-1
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Richard P. Tarquini

Application No.: 10/003,747

Confirmation No.: 4897

Filed: October 31, 2001

Art Unit: 2132

For: METHOD, COMPUTER READABLE
MEDIUM, AND NODE FOR A THREE
LAYERED INTRUSION PREVENTION
SYSTEM FOR DETECTING NETWORK
EXPLOITS

Examiner: V. Perungavoor

REPLY BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.41(a)(1), this Reply Brief is filed within two months of the Examiner's Answer dated June 9, 2006, and is in furtherance of the Appeal Brief filed on December 9, 2005.

No fee is required for this REPLY BRIEF.

This brief contains items under the following headings pursuant to M.P.E.P. § 1208:

- I. Status of Claims
- II. Ground of Rejection to be Reviewed on Appeal
- III. Argument
- IV. Conclusion

I. STATUS OF CLAIMS

The status of claims remains as identified in the Appeal Brief submitted December 5, 2005, wherein claims 1-19 stand rejected and are presented for appeal.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed remain as identified in the Appeal Brief submitted December 5, 2005, which are as follows:

1. Claims 1, 5-9, and 14-16 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,279,113 issued to Vaidya (hereinafter "*Vaidya*").

2. Claims 2-4, 10-13, and 17-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Vaidya* in view of U.S. Patent No. 6,851,061 issued to Holland, III et al. (hereinafter "*Holland*").

III. ARGUMENT

Appellant respectfully notes that in response to the Final Office Action mailed August 3, 2005, Appellant filed a Notice of Appeal followed by a supporting Appeal Brief (dated December 5, 2005). The Examiner then mailed an Answer on January 26, 2006. On March 16, 2006, Appellant submitted a Reply Brief with an Amended Appeal Brief, which merely added headings for each ground of rejection in order to ensure compliance with 37 C.F.R. §41.37. The Amended Appeal Brief did not present new substantive arguments.

On May 26, 2006, the Board issued an Order Returning the Appeal to the Examiner because the Examiner had not submitted a supplemental Answer in response to the Amended Appeal Brief. Therefore, the Examiner then mailed a second Examiner's Answer (dated June 9, 2006), which is identical in substance to the first Examiner's Answer of January 26, 2006. Because Appellant's arguments submitted in the Reply Brief of March 16, 2006 (in conjunction with the arguments presented in the Appeal Brief of December 5, 2005 and repeated in the Amended Appeal Brief of March 16, 2006) adequately respond to the Examiner's reasoning and traverse the grounds of rejection, Appellant respectfully hereby stands on those arguments. That is, Appellant respectfully reasserts those arguments

previously presented on this appeal, and requests that the Board overturn the outstanding rejections for the reasons detailed in the previously submitted Appeal and Reply Briefs.

IV. CONCLUSION

Appellant respectfully requests that the Board overturn the rejections of pending claims 1-19 for the above reasons.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 568241958US in an envelope addressed to: M/S Appeal Brief-Patents, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: July 7, 2006

Typed Name: Gail L. Miller

Signature: Gail L. Miller

Respectfully submitted,

By: 

Jody C. Bishop
Attorney/Agent for Applicant(s)
Reg. No. 44,034
Date: July 7, 2006
Telephone No. (214) 855-8007

PATENT APPLICATION

ATTORNEY DOCKET NO. 10014006-1

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 270400
Fort Collins, Colorado 80527-2400

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Inventor(s): Richard P. Tarquini

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Title: METHOD, COMPUTER READABLE MEDIUM, AND NODE FOR A THREE LAYERED INTRUSION
PREVENTION SYSTEM FOR DETECTING NETWORK EXPLOITS

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Commissioner For Patents
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Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on June 9, 2006.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

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OR

- ☐ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300. Date of facsimile:

Typed Name: Gail L. Miller

Signature: Gail L. Miller

Respectfully submitted,

Richard P. Tarquini

By

Jody C. Bishop
Jody C. Bishop

Attorney/Agent for Applicant(s)

Reg No. : 44,034

Date : July 7, 2006

Telephone : (214) 855-8007